IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO.27 OF 2007

Ramchandra Shripati Sankapal : Appellant

(Orig.Deft. no.2)

V/s.

Sakharam Shripati Sankpal & Anr. : Respondents

...

Mr.N.V.Bandiwadekar for the appellant.

...

**CORAM : S.A.BOBDE, J.**

DATE : JULY 10, 2007.

**P.C**.

Admit.

2. The following will be the substantial questions of law:-

(i) Whether the Courts below completely overlooked the fact that admittedly the father of the appellant and the respondent no.1 was the tenant in respect of the suit land and there was no record to show that after the demise of the father, the rights of the appellant were extinguished?

(ii) Whether the trial Court ought to have referred the issue of tenancy to the concerned Tribunal in view of the decision of the Division Bench of this Court in the case of Bhagwanrao v. Ganpatrao (1987 (3) Bombay Cases Reporter 256)?

3. Printing is dispensed with. The appellant is directed to file a private paper-book alongwith sufficient number of copies thereof within a period of one year from today. If the paper-book is not filed within the stipulated period, the appeal will stand dismissed for want of prosecution without further reference to the Court.

4. Advocate for the respondents waives service.

5. Put up with Second Appeal no.228 of 2004.

S.A. BOBDE, J.